

At page 11, line 3, after "Thus a spherical wavefront W1 emanating from the point source S", please insert: which may be considered to be unfocused,--;

At page 11, line 4, after "on passing object O.", please insert: This distorted, unfocused wavefront falls upon and is detected by x-ray detector D.--;

At page 21, line 1, delete "CLAIMS" and insert: --What is claimed is:--.

IN THE ABSTRACT

At line 6 of the Abstract, after "intensity variation.", please insert: Additionally, the method may also include processing the image to resolve weaker variations.--

REMARKS

Claims 43-77 are pending in the application. Amendments have been made to the Drawings, the Specification and the Abstract as set forth in more detail below. No new matter was added by these amendments.

Objections to the Drawings

The Drawings have been amended by adding a box P to the right of the detector D in Figure 3 to indicate image processing generally. Support for this amendment can be found in the specification at page 8, lines 1-13; page 8 last line to page 9 line 8; and page 10, lines 18-23. The amended drawing is attached herewith with the changes indicated in red ink for the Examiner's

review. Additionally, the specification was amended at page 10, line 28 to refer to the identifying letter "D" for the box indicating image processing. Thus, no new matter has been added, and Applicant respectfully submits that the objection has been overcome and requests that it be withdrawn.

### Objections to the Specification

#### Abstract

The abstract has been amended to disclose the concept of processing the image. Support for this amendment is found at page 8, lines 1-13; page 8 last line to page 9 line 8; and page 10, lines 18-23. Thus no new matter was added. Applicant believes that the objection has therefore been overcome, and respectfully requests that the objection be withdrawn.

#### Arrangement of the Specification

The specification was objected to because it failed to include headings for each section of the specification. The specification has been amended as suggested by the Examiner to add headings for each section of the specification. Applicant respectfully requests that the objection be withdrawn.

Status of the Parent Case

The specification was objected to because the status of the parent case, Ser. No. 08/930,049 had not been updated. The specification was amended to update the status of the parent case to indicate that the parent case has now issued as U.S. Pat. No. 6,018,564. Applicant submits that the objection has been overcome, and requests that it be withdrawn.

Antecedent Basis

The specification was objected as failing to provide proper antecedent basis for the claimed subject matter. Applicant traverses this objection.

The Examiner stated that the term "processing said phase-contrast image data of said image" found on page 3, line 25 of the specification fails to provide proper support for the claimed method and apparatus for "processing said image so as to derive from the image said corresponding variation in the detected intensity of said wavefront in said image and so identify the representation of the boundary" as is recited in all claims. Applicant directs the Examiner's attention to page 8, lines 1-13; page 8 last line to page 9 line 8; and page 10, lines 18-23.

Applicant respectfully submits that the specification provides adequate support for the term "processing said image so as to derive from the image said corresponding variation in the detected intensity of said wavefront in said image and so identify the representation of the boundary." Thus, no new matter has been added. Applicant therefore believes that the objection has been overcome, and respectfully requests that the objection be withdrawn.

The Examiner has also objected to the specification on the ground that, although the drawing illustrate "the irradiation of the boundary with an unfocused propagated wavefront of X-rays passing through the boundary without focusing said wavefront" as claimed in claims 45, 56, 62 and 76, the specification fails to adequately describe the claimed subject matter. Applicant amended the specification as set forth above to describe the claimed subject matter, already included in the drawings as originally filed, in the specification. No new matter was added. Thus, Applicant respectfully submits that the objection is overcome and requests that it be withdrawn.

#### Double Patenting

Claims 43-77 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7, 13-16, 18-24, 30, 32-35, 39-46 and 50-54 of U.S. Patent No. 6,018,564 in view of Momose (U.S. Pat. No. 5,715,291). Applicant submits that the subject matter of the present application and U.S. Pat. No. 6,018,564 is commonly owned by Applicant by way of assignment, and is therefore submitting herewith a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) to overcome this rejection. A check covering the fee for the terminal disclaimer of \$55.00 accompanies this Amendment.

#### Objection to Priority

The Examiner stated in the Office Action that Applicant had not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 because the

current application adds and claims additional disclosure not presented in the prior application. It is apparently the Examiner's position that the application constitutes a continuation-in-part application. Applicant traverses this objection.

A brief summary of the prosecution history of the present application may be helpful. The original specification and claims of the parent application, Ser. No. 09/930,049 was filed along with transmittal papers designating the present application as a continuation application. A preliminary amendment was filed concurrently, canceling original claims 1-42, and adding new claims 43-77. As set forth above, Applicant has shown that support for all of the subject matter claimed in claims 43-77 of the present application can be found in the application as originally filed. No new matter was added. Accordingly, Applicant believes that the present application is rightfully designated as a continuation application, and that he is entitled to claim the filing date of the parent application with respect to the claims in the current application. For these reasons, Applicant respectfully requests that the objection be withdrawn.

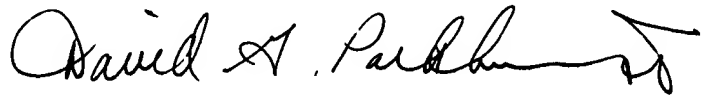
A notice of objections to the drawings also accompanied the Office Action, raising formal objections to the drawings, and Applicant proposes to submit corrected formal drawings as soon as approval of the proposed corrections to the drawings and an indication of allowance of the application are received.

**CONCLUSION**

Applicant has made a *bona fide* effort to respond to each and every rejection and objection stated by the Examiner in the above-identified Office Action. Accordingly, Applicant respectfully requests entry of the amendment and reconsideration of the application, and allowance of the claims.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP



David G. Parkhurst  
Reg. No. 29,422

JWP/JKF/DGP/vmm

Encls.: Return Postcard

Proposed correction to Figure 3

Request for 2 month extension

Terminal Disclaimer

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6060 Center Drive., Tenth Floor

Los Angeles, CA 90045

Telephone No. (310) 824-5555

Facsimile No. (310) 824-9696

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